

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION OF)	
Fred R. Wolf and Court A. Saunders)	
)	
SERIAL NO.: 10/606,877)	Group Art Unit: 2859
)	
FILED: June 25, 2003)	Examiner: Ahmed
)	
FOR: METHOD OF IMPROVING ANIMAL)	
TISSUE QUALITY BY)	
SUPPLEMENTING THE ANIMAL DIET)	
WITH MIXED TOCOTRIENOLS)	

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION (RESTRICTION REQUIREMENT)

In response to the Restriction Requirement mailed July 3, 2006, Applicants elect Groups V (Claims 12 and 13) and VI (Claims 14-16 and 27-29).

Examiner Interview

Applicants and their attorney wish to thank Examiner Ahmed and Supervisor Woodward for granting them the courtesy of a telephone interview on August 9, 2006. The interview was very helpful in advancing the prosecution of this application.

Restriction/Election

Applicants note with appreciation Examiner's comment in the Interview Summary mailed August 22, 2006 that rejoinder of Groups V and VI is approved. In view of the telephone interview and Interview Summary, and for the reasons given below, Applicants elect without traverse the invention of Groups V and VI and species c (cattle). Claims 12-16 and 27-29 encompass the elected invention of Groups V and VI. Claims 1, 2, 20 and 21 are considered

linking claims.

Applicants respectfully submit that the claims of Groups V and VI represent single inventive concept and that a search of the prior art related to these claims would not be unduly extensive or burdensome for the following reasons.

First, the claims of Groups V and VI claims encompass a method of feeding cattle a diet comprising at least 150 ppm mixed tocotrienols.

Second, the claims of Groups V and VI are both classified in class 424 and subclass 442, and thus can be easily searched together. On August 9 applicant's undersigned legal representative conducted a search of references in class 424, subclass 442 and including the keyword "tocotrienols" and found only one reference, U.S. Patent No. 6,902,739, which applicants deem not material to the patentability of the present invention.

Finally, applicants note that the election of Group V renders the election of species c (cattle) somewhat redundant, since the Group V claims are all directed to the method as practiced on ruminants, of which cattle is the prominent (most commercially important) member.

Summary

Applicants respectfully request examination of Claims 12-16 and 27-29, as well as linking claims 1, 2, 20 and 21 and any non-elected species claims that depend on an allowed genus claim. Applicant reserve the right to pursue examination of the non-elected claims in continuation or divisional applications. The Examiner is invited to telephone applicant's undersigned attorney if any unresolved matters remain.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Harold J. Fasnacht", written over a horizontal line.

Harold J. Fasnacht

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